IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLN.NO.622 OF 2007

Deepak Bhimrao Saindane
@ Tirchi ..Applicant

Vs.

State of Maharashtra ..Respondents

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Mr.R.D.Suryawanshi Advocate for Applicant
Mr.S.S.Pednekar A.P.P. for the State

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CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : APRIL 3, 2007

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail in C.R.No. I-39 of 2006 of Rabale Police Station, Navi Mumbai. The said case is mainly under Section 302 of IPC.

3. In the present case, investigation is over and the charge sheet is filed. On perusing the material gathered by the prosecution, it is seen that one Sunil Tambe and one Novel assaulted Rakesh Mhatre (deceased). It is the prosecution case that

at that time, the applicant was standing nearby. None of the witnesses have stated that the applicant has assaulted anyone. In fact, in the oral dying declaration made by the deceased, he has clearly stated that Sunil Tambe and Novel assaulted him with weapons and at that time, the present applicant was standing nearby. Looking to all these facts, I am inclined to grant bail.

4. In connection with C.R.No.I-39 of 2006 of Rabale Police Station, Navi Mumbai, the applicant to be released on bail in the sum of Rs.25,000/- (Rs.Twenty five thousand only) with one or two sureties to make up the said amount. The applicant shall report on every Tuesday and Thursday to Rabale Police Station, Navi Mumbai till conclusion of the trial. The applicant shall not leave Thane without permission of the Court.

5. Application is disposed of.

[V.K.Tahilramani, J.]